

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 1:08CV10142

CQ INTERNATIONAL CO., INC.,
Plaintiff,

v.

ROCHEM INTERNATIONAL, INC., USA,
Defendant.

PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedures, as amended, Plaintiff hereby makes the following *Initial Disclosures*. The information contained herein is based on available information currently available to the Plaintiff. Plaintiff reserves the right to supplement her disclosures as information becomes available through discovery.

1. **Name, address, and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, together with the subjects of the information known to each witness (Rule 26(a)(1)(A):**
 - A. Rochem International, Inc., 980 2nd Street, Ronkonkoma, New York. (*Defendant in above captioned matter: discoverable information regarding its communications and contract negotiations with Huizhou Dongjiang Pharmaceutical Co. Ltd and Ivax with respect to its purchase and sales of Clozapine*).
 - i. Robyn Frisch, President/CEO
 - ii. Matt Thiel, Executive Vice President
 - B. Rochem International, Inc. A-1911, Top Yihe International Plaza, No. 10 Xiang Gang Zhong Road, Qingdao, China 266000. (*Defendant in above captioned matter: discoverable information regarding its communications and contract negotiations with Huizhou Dongjiang Pharmaceutical Co. Ltd and Ivax with respect to its purchase and sales of Clozapine*)
 - C. CQ International Co., Inc. 84 Sherman Street, Cambridge, Massachusetts 02140. (*Plaintiff in the above captioned matter: discoverable information regarding its*

communications and contract negotiations with both Guandong Huizhou Dongjiang, Huizhou Dongjiang Pharmaceutical Co. Ltd and Ivax)

- i. Joan Chen, President of CQ International Co., Inc.
- D. Guandong Huizhou Dongjiang, Xiajiao, Huizhou City, Guangdong, China. *(Third party: discoverable information regarding its contract with Plaintiff, reincorporation of its business to Huizhou Dongjiang Pharmaceutical Co. Ltd., sale of Clozapine in United States, its communications and contract negotiations with Defendant, its communications with Ivax regarding the sale of Clozapine and contract negotiations with respect to selling Clozapine in the United States).*
- i. Zheng Ding Shong, Director
 - ii. Fang Zhigang, Director
- E. Huizhou Dongjiang Pharmaceutical Co. Ltd Xiajiao, Huizhou City, Guangdong, China. *(Third party: discoverable information regarding its contract with Plaintiff, reincorporation of Guandong Huizhou Dongjiang to Huizhou Dongjiang Pharmaceutical Co. Ltd., sale of Clozapine in United States, its communications and contract negotiations with Defendant, its communications with Ivax regarding the sale of Clozapine and contract negotiations with respect to selling Clozapine in the United States).*
- F. Food and Drug Administration 5600 Fishers Lane, Rockville, Maryland 20857 *(Third party: discoverable information regarding FDA filings related to Clozapine and any communications with Ivax, Defendant, Guandong Huizhou Dongjiang, and Huizhou Dongjiang Pharmaceutical Co. Ltd).*
- G. IVAX Pharmaceuticals, Inc. 4400 Biscayne Blvd. Miami, Florida 33137. *(Third party: discoverable information regarding communications with Defendant, Guandong Huizhou Dongjiang, and Huizhou Dongjiang Pharmaceutical Co. Ltd, purchase of Clozapine from Defendant, purchase of Clozapine from Plaintiff).*
- i. Don Marchione, Pharmaceutical and Biotec.
 - ii. Lance Kahn. Pharmaceutical and Biotec.
- H. Acusphere Inc., 500 Arsenal Street, Watertown, MA 02472. *(Third party: Plaintiff believes Auschphere Inc. has discoverable information regarding communications with Defendant with respect to the purchase of Clozapine purchase of Clozapine from Defendant).*
- I. Boston Scientific, One Boston Scientific Place, Natick, MA 01760-1537. *(Third party: Plaintiff believes Auschphere Inc. has discoverable information regarding communications with Defendant with respect to the purchase of Clozapine purchase of Clozapine from Defendant).*

2. **A copy of , or a description by category and location of , all documents, data compilations, and tangible things in the possession, custody or control of the party that are relevant to disputed facts alleged with particularity in the pleadings (Rule 26(a)(1)(B):**

Plaintiff is in the process of searching for and gathering relevant, non-privileged documents in its control that support Plaintiff's claims and refute Defendant's defenses.

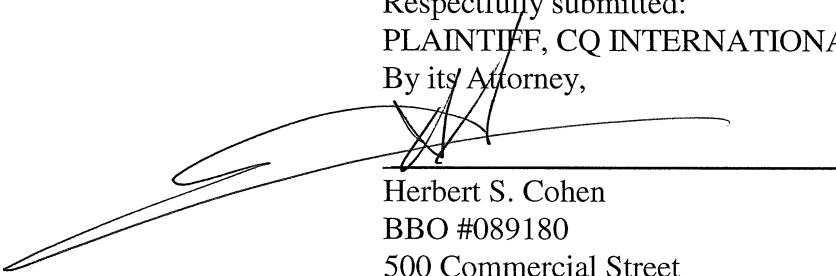
Plaintiff anticipates that throughout discovery, it will learn of additional documents, data, compilations, and tangible things and will supplement its disclosures accordingly.

Plaintiff already produced a copy of its contract with Guangdong Huizhou Dongjiang Pharmaceutical Factory as an attached exhibit to its complaint.

3. **A computation of damage claimed by Plaintiff by each category of damages (Rule 26(a)(1)(C)):**

Plaintiff's Loss of profits is estimated at \$500,000. However, Plaintiff will supplement its disclosure once it can assess its damages more accurately after Defendant has produced documents that set forth Defendant's profits from the sale of Clozapine from Huizhou Dongjiang Pharmaceutical Co. Ltd., to purchasers in the United States.

Respectfully submitted:
PLAINTIFF, CQ INTERNATIONAL CO., INC.
By its Attorney,



Herbert S. Cohen
BBO #089180
500 Commercial Street
Boston, MA 02109
617-523-4552